

RESPONSE TO OFFICE COMMUNICATION
U.S. Serial No.: 09 442.256
Filed: November 17, 1999



10, 2000, to which Applicant submitted a reply on November 3, 2000. Nonetheless,

Applicant submits the following election:

The Examiner asserts that Applicant did not select between solvents selected from the group consisting of:

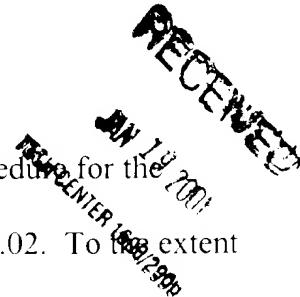
- a. organic solvents
 - 1. polar solvent
 - aa. methanol
 - bb. acetone
 - 2. non-polar solvent
 - aa. hexane
 - bb. ether

The Examiner states that Applicant is required to elect either polar or non-polar solvent, elect one of the species under each of the above groupings, and indicate all claims readable thereon. Applicant elects (1) polar solvents and (aa) methanol.

Claims readable on this embodiment are 4, 6, 8, 9, 12-14, 22, 24-26, 29, 32, 36, 38-40, and 54-72.

Applicant respectfully submits that the election requirement should be withdrawn. Members of the group of organic solvents are sufficiently related so that the Examiner can search the claims without serious burden. Additionally, both polar and non-polar solvents fall under the broad category of organic solvents, which presumably, the Examiner has already searched and examined.

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Applicant submits that the appropriate and required procedure for the Examiner to follow in this situation is explained in MPEP § 803.02. To the extent that the Examiner intends to follow some different procedure (e.g., by holding nonelected species within an otherwise allowable generic claim to be "withdrawn" from consideration), Applicant further traverses the Examiner's requirement and requests that the Examiner follow the procedure set forth in the MPEP.

Applicant respectfully requests that the Examiner consider this response along with that filed November 3, 2000 and render a favorable action on the merits. Applicant believes that no fees are due, but if mistaken, please charge any additional fees or credit any overpayment to Deposit Order Account No. 11-0855.

Respectfully submitted,

A handwritten signature of Kristin D. Mallatt.

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